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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,867	10/26/2000	Masahiro Konishi	MAS.003	3192

21254 7590 11/21/2002

MCGINN & GIBB, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER

LE, LANA N

ART UNIT PAPER NUMBER

2684

DATE MAILED: 11/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/695,867

Applicant(s)

KONISHI, MASAHIRO

Examiner

Lana Le

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilska et al (US 6,427,078) in view of Honda et al (US 6,477,353).

1. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by

Regarding claim 1, Wilska et al discloses an cellular mobile phone unit 17 that receives data of at least one of an image and characters (data transmission) through an inherent base station (col 3, lines 36-60; col 5, line 65 – col 6, line 13; fig. 3), comprising: a designating device that designates an apparatus (PC) to which the received data is to be transmitted (col 3, lines 54-65); and a wireless communicating device 17 that communicates with the apparatus without the transmitting provider (col 2, lines 61-65; col 4, line 65 - col 5, line 3); and transmits the data to the apparatus designated by said designating device (col 3, lines 57-65). Wilska et al didn't specifically disclose receiving data via a transmitting provider and a designating device that causes information to be transmitted to another apparatus. Honda et al discloses receiving data from a transmitting provider (fixed station 101) (col 1, lines 15-24) and a designating device that causes information to be transmitted to another apparatus (col

Art Unit: 2684

6, lines 49-54). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a transmitting provider in order to relay specific information from an information source to a mobile station and re-transmitting the specific information to another apparatus without much power needed for efficient transmission.

Regarding claim 2, Honda et al et al further discloses a telephone as set forth in claim 1, further comprising a displaying device that displays that the telephone has received information on data of the at least one of image and characters through the transmitting provider (col 6, lines 45-49; col 5, lines 25-30).

Regarding claim 3, Honda et al further discloses the telephone as set forth in claim 2, wherein: said displaying device displays the received information; and said designating device designates the data to be received from the information displayed by said displaying device (col 6, lines 40-54).

Regarding claim 4, Wilska et al discloses a data transmitting method (col 3, lines 53-60) for a telephone 17, comprising the steps of:

receiving data of at least one of an image and characters through an inherent transmitting provider (col 5, line 59 – col 6, line 13); designating an apparatus to which the received data is to be transmitted (col 2, lines 61-65; col 4, line 65 - col 5, line 3); and transmitting the data to the designated apparatus with a wireless communicating device that communicates with the apparatus without the transmitting provider (col 3, lines 57-65). Wilska et al didn't specifically disclose receiving data through a transmitting provider and causing information to be transmitted to a designating

Art Unit: 2684

apparatus. Honda et al discloses receiving data from a transmitting provider (fixed station 101) (col 1, lines 15-24) and a designating device that causes information to be transmitted to another apparatus (col 6, lines 49-54). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a transmitting provider in order to relay user selected information from an information source to a mobile station and re-transmitting the information to another apparatus without much power needed for efficient transmission.

Regarding claim 5, Honda et al further discloses the data transmitting method for the telephone as set forth in claim 4, further comprising the step of displaying that the telephone has received information on data of the at least one of image and characters through the transmitting provider (col 6, lines 45-49; col 5, lines 25-30).

Regarding claim 6, Honda et al further discloses a transmitting method for the telephone as set forth in claim 5, wherein: the displaying step comprises the step of displaying the received information; and the data to be received is designated from the received information (col 6, lines 40-54).

Conclusion

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for formal communications intended for entry)

or:

Art Unit: 2684

(for informal or draft communications, please label
"PROPOSED" or "DRAFT"

Hand-delivered responses should be brought to the Crystal Park II, 2021 Crystal Drive, Arlington VA, Sixth Floor (Receptionist).

Any inquiry concerning this communication or communications from the examiner should be directed to Lana Le whose telephone number is (703) 308-5836 and to the supervisory patent examiner Daniel Hunter whose telephone number is (703) 308-6732.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-6750.

Lana Le

November 17, 2002

Urafr
11/18/02
T2260